

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHOSHANA HEBSHI,)	
)	
Plaintiff,)	Hon. Terrence G. Berg
)	Magistrate Judge Laurie J. Michelson
v.)	
)	Case No. 4:13-cv-10253
UNITED STATES OF AMERICA, et al.,)	
)	
Defendants.)	
)	

REPLY TO PLAINTIFF'S OPPOSITION TO
WAYNE COUNTY AIRPORT AUTHORITY EMPLOYEE DEFENDANTS'
MOTION TO COMPEL PLAINTIFF TO ATTEND THE
NOVEMBER 5, 2014 SETTLEMENT CONFERENCE

Plaintiff has opposed the WCAA Defendants Motion to Compel Plaintiff to Attend the November 5, 2014 Settlement Conference on two grounds; (1) Ms. Hebshi will be available by phone throughout the conference, and (2) she would be prejudiced if she were ordered to attend with two days notice. The WCAA Defendants respond to each ground herein.

Plaintiff's counsel sets forth that the WCAA Defendants have not articulated why Ms. Hebshi needs to be present at the settlement conference scheduled for November 5, 2014. The WCAA Defendants deny that they did not articulate why her attendance was necessary for the reason it was explained to plaintiff's counsel Michael Steinberg when WCAA Defendants Counsel called to confirm her attendance; namely that the WCAA Defendants were hopeful that the November 5, 2014 settlement conference could resolve all outstanding issues and result in a final settlement, and that the best way to achieve this global settlement would be to have the Plaintiff herself, with her full authority to fully settle the matter and execute a settlement present, per Judge Michelson's order that the settlement conferences "be attended by an authorized

representative of each party with full and complete authority to make settlement decisions, together with trial counsel for each party.” (Notice of Settlement Conference, July 14, 2013, EFC No. 83). The Court is fully aware of the difficulties that can arise when those with authority are permitted to “attend” by not attending and being available only by phone.

Plaintiff next argues that her attendance would be prejudicial due to the travel required from California to Detroit on little notice, and the need to make arrangements for the care of her children while she was away. The WCAA Defendants response is that after a long drawn out settlement process, the WCAA is hopeful that a settlement can be reached and executed at the upcoming settlement conference, and that there are numerous flights each day from California to Detroit. Further, Plaintiff has not articulated the difficulties she has associated with making arrangements for the care of her children.

The Court should be aware that at the time the WCAA Defendants’ counsel sought confirmation from Plaintiff’s counsel that Plaintiff would appear in person per the Court’s Order at the next settlement conference, the WCAA Defendants’ counsel also sought confirmation that Danielle Batchelor, the WCAA Defendants’ insurer representative with authority to settle the economic issues, be excused from the upcoming settlement conference since all economic issues had been resolved. Plaintiff’s counsel refused to concur and as a result Ms. Batchelor, on the same notice timeframe afforded Ms. Hebshi, has arranged a flight from Philadelphia to Detroit in order to comply with the Court’s Order and appear in person, even though her part (the economic aspect of the settlement) has already been consummated.

CONCLUSION

The WCAA Defendants are hopeful that a full resolution of this matter can be achieved at the next settlement conference. They believe that Ms. Hebshi’s attendance, in conformance with

the Court's Order regarding same, is instrumental to achieving that resolution, and should resolution be achieved, to executing the documents associated with said resolution.

Respectfully submitted,

/s/ Alan B. Havis

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Dated: November 4, 2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 4, 2014, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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